

**BOARD OF HEALTH
MINUTES
February 21, 2018**

This meeting was advertised in the Hunterdon County Democrat, notice posted in the Alexandria Township Municipal Office, and the Alexandria Township website (www.alexandrianj.gov) as required by the Open Public Meetings Act.

Meeting Called to Order at 7:03 PM.

ROLL CALL:

PRESENT: Chair Pfefferle, Comm. Kiernan, Mayor Garay

ABSENT: None

NEW BUSINESS:

- Resolution 2018-2 Application of JA & JM Associates for Septic System Alteration Design Waivers B-9, L-19 50 Little York-Mt. Pleasant Road

Mayor Garay made a motion, seconded by Comm. Kiernan to approve Resolution 2018-2.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

RESOLUTION 2018-2 ALEXANDRIA TOWNSHIP BOARD OF HEALTH APPLICATION OF JA & JM ASSOCIATES FOR SEPTIC SYSTEM ALTERATION DESIGN WAIVERS-BLOCK 9, LOT 19 50 LITTLE YORK-MT. PLEASANT ROAD ALEXANDRIA TOWNSHIP

WHEREAS, the Alexandria Township Board of Health received an application for approval of a septic system alteration with several waivers to correct a malfunctioning septic system on an existing four bedroom single-family dwelling, utilizing a Hoot-600G Advanced Treatment Unit with seepage pit bed design on property known as Block 9, Lot 19, located at 50 Little York-Mt. Pleasant Road in the Township and currently owned by JA & JM Associates (hereinafter "Applicant") and

WHEREAS, the Board considered this matter at a meeting held on February 14, 2018 at which appeared Douglas Fine, P.E. engineer on behalf of the Applicant; and

WHEREAS, at said meeting the Board acknowledged receipt of the following information:

- a.) Proposed plans entitled "Septic System Alteration Design-B-9, L-19 in the Township of Alexandria, County of Hunterdon, State of New Jersey for JA & JM Associates", prepared by Douglas E. Fine, PE dated December 2017, and revised to February 5, 2018; and

WHEREAS, the application proposes to correct the malfunctioning system utilizing alternate technology known as a "Hoot-600G Advanced Treatment Unit" with a seepage pit bed design, which system involves, among other things, an aerobic treatment tank, two seepage pits and no disposal bed due to the lot limitations of the property. The existing cesspool is proposed to be pumped, crushed and abandoned and no expansion of the 4 bedroom dwelling on the .18 acre property is contemplated. In its February 8, 2018 letter, the County Health Department stated that the Board could approve the proposed system with certain conditions because, other than the waivers requested, the design meets the NJAC 7:9A "Standards for Individual Subsurface Sewage Disposal Systems", specifically NJAC 7:9A3.3(e)2i and ii, and the proposed system will bring the property into closer conformance with State septic requirements as opposed to the current cesspool system.

WHEREAS, the application requires approval of the following **waivers** from the Township's Health ordinance provisions (items refer to the County's February 8, 2018 letter):

1. The soil log was not dug to 8 feet below bottom of seepage pit depth as per 7:9A-11.1
2. The system incorporates a seepage pit design due to site limitations. Engineer shall explain to the satisfaction of the Board why this is the best design for this site.
3. The seepage pits will be only 10.01 feet from the property lines which does not meet the minimum separation distance of 20 feet.
4. The code requires a percolation test when a seepage pit are proposed, engineer performed soil permeability class rating Test. Engineer shall explain why percolation tests could not be done on this property to the Board.
5. The seepage pit will be only 17.4 feet from the existing dwelling which does not meet the minimum 50 foot set back requirement by code.
6. A new well will be drilled in front of the dwelling and will be only 64.2 feet from the disposal system, which does not meet the minimum setback distance of 150 according to state code. The new well have a minimum of 50 feet of casing. The existing well will be sealed by a licensed well driller.

7. The system based on the permeability shall be a minimum of 576 square feet, only 258 square feet provided. The engineer is using an ATU to address this issue.
8. The proposed disposal area will be only 60 feet from the existing well on lot 28, which does not meet the minimum 150 setback requirement.
9. The Hoot tank will be only 75 feet from the existing well on neighboring lot 28, which does not meet the minimum 100 foot setback requirement according to Alexandria Township ordinance.
10. The Proposed disposal area will be only approximately 25 feet from the septic system on lot 29, which does not meet the minimum 50 foot separation distance as per state code.
11. The engineer has not been able to locate the well on neighboring lot 29, given the lot dimensions the well distance would be less than 100 feet from the disposal area and tank.

WHEREAS, in addition to the reasons in support of the waivers outlined in the County's February 8, 2018 letter, the Applicant's Engineer further testified that:

The majority of the waivers requested are needed because the property which is only .18+/- acres and space is tight; therefore it is difficult to try to meet the various setback requirements. Applicant's house is very closely situated between houses on either side of it. The house on the property had been abandoned and was served by a cesspool. There is no room on the property for a disposal field, only a seepage pit, so Mr. Fine proposed two with this design. The Applicant still has not solved access issues with the neighboring properties in order to construct the proposed system alteration. The engineer noted that, although the proposal did not meet all the Township and State requirements, item #9 meets State code requirements. With respect to items #1, 2 and 4, the engineer stated that the property has sandy soil above the bedrock and that permeability is good; however, he was unable to perform the percolation tests due to the limited size of the property and the existing structures. The waiver requests for items 3, 5, 6 10 and 11 are due to the small size of the property and the fact that there are no other options for placement. With respect to item #5, the Applicant proposes a PVC liner on the excavation wall closest to the house in order to protect it from the seepage pit. As to item #6, the Applicant is willing to drill a new well with a minimum of 50 feet in casing in order to address the shortage in the setback distance. Regarding the waiver requested in item #11, the engineer has not been able to locate the well on neighboring Lot 29 and given the size of the Applicant's property, a minimum separation distance waiver is assumed to be necessary. In his opinion, the option he

has presented with the advanced treatment unit and seepage pits is the best alternative to address the malfunctioning system on the property.

2. Applicant's engineer testified that with respect to the use of seepage pits in place of a disposal bed and the need to comply with setback requirements (waivers 2,3 and 7), the size of the disposal bed is not as important as with conventional septic systems because in the case of an advanced treatment system such as this, the majority of the treatment occurs aerobically in the Hoot tank, at a high level. The design of this system does not rely on the disposal area to accomplish the treatment.

3. In response to questions by the Board about potential negative impacts on neighboring properties, Applicant's engineer stated that the County has no reports regarding complaints from neighbors in connection with any septic problems at the site and, that in his opinion, Applicant's proposal will not worsen existing conditions, but will improve them, provided they can find a way to access the property so as to install the intended improvements.

4. In the engineer's opinion, the proposed alteration would bring the property closer to conformance with both Municipal and State standards for individual septic systems and the design was reasonable given the characteristics and size of the property and its environmental conditions.

WHEREAS, the Board makes the following findings:

1) that the waivers are needed, particularly with the proposed seepage pits and testing methods, due to the very limited size and shape of the Applicant's property, together with lack of other viable options;

2) the Board agrees with the County's conclusion that with respect to the requested set back waivers, the proposed alterations will make the septic system more conforming with the Township's Ordinance and State standards;

3) with respect to the proposed Hoot advanced treatment system, the Board notes that it is recognized as a viable solution and permitted by the State of New Jersey in its Administrative Code; and

4) the Board agrees with the conditions recommended by the County in its approval letter of February 8, 2018

NOW, THEREFORE BE IT RESOLVED by the Alexandria Township Board of Health County of Hunterdon State of New Jersey, on this day of February, 2018 that the proposed septic alteration application for Block 9, Lot 19, 50 Little York-Mt. Pleasant Road in the Township is hereby approved, as follows:

1) The Board approves the use of the Hoot-600G Advanced Treatment unit with dual seepage bit bed design in connection with the proposed septic system alteration;

2) The requested waivers listed as items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the County

Health Department's February 8, 2018 letter are hereby approved, subject to the conditions pertaining to them set forth in the County's letter of the same date, which letter is hereby made a part of this Resolution;

3) The Applicant must comply with all the remaining conditions set forth in the County's February 8, 2018 specifically as follows:

a. Compliance with all N.J. Administrative Code 7:9A requirements for an Advanced Treatment Unit, including attainment and provision of: engineer's certification, service provider maintenance contract, recorded copy of deed notice filed in the Hunterdon County Clerk's office stating that the property is served by an Advanced System and the maintenance contract that is required ; NEHA certification for the installer. Applicant shall further supply the Township with a followup letter from the County acknowledging that all conditions have been met.

4) By granting the waivers and approval of the proposed system, Alexandria Township assumes no responsibility with respect to the functioning of the system and shall be held harmless from all liability and any claims made with respect to same. Alexandria further understand that the County also assumes no responsibility for the functioning of the system and also shall be held harmless with respect to the same.

5) This resolution shall take effect immediately.

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- Resolution 2018-3 Application for Carl Lippincott for Septic System Alteration
Waivers and Aerobic Treatment System B-14, L-5 1751 Route 519

Mayor Garay made a motion, seconded by Comm. Kiernan to approve Resolution 2018-3.

Roll Call: Aye: Garay, Pfefferle, Kiernan

Nay: None

Abstain: None

Motion Carried

**RESOLUTION 2018-03 ALEXANDRIA TOWNSHIP BOARD OF HEALTH
APPLICATION OF CARL LIPPINCOTT FOR SEPTIC SYSTEM ALTERATION
WAIVERS AND AEROBIC TREATMENT SYSTEM - BLOCK 14, LOT 5
1751 ROUTE 519, ALEXANDRIA TOWNSHIP**

WHEREAS, the Alexandria Township Board of Health received an application for approval of a septic system alteration with several waivers to correct a malfunctioning septic system on an existing two bedroom single-family dwelling, utilizing a Hoot-500G Advanced Treatment Unit with disposal bed design on property known as Block 14, Lot 5, located at 1751 Route 519 in the Township and currently owned by Carl Lippincott (hereinafter "Applicant") and

WHEREAS, the Board considered this matter at a meeting held on February 14, 2018 at which appeared the Douglas Fine, P.E., engineer on behalf of the Applicant; and

WHEREAS, at said meeting the Board acknowledged receipt of the following information:

a. proposed plans entitled "Septic System Alteration Design - Block 14, Lot 5 in the Township of Alexandria , County of Hunterdon State of New Jersey for Carl Lippincott", prepared by Douglas E. Fine, P.E., dated of December 2017, and revised to February 5, 2018; and

WHEREAS, the application proposes to correct the malfunctioning system utilizing alternate technology known as a "Hoot-500G Advanced Treatment Unit and disposal bed design", which system involves, among other things, an aerobic treatment tank, 1000 gallon pump dosing tank, seepage pit and disposal. Both the existing septic tank and seepage pit are proposed to be pumped, crushed and abandoned and no expansion of the dwelling on the .3 acre property is contemplated. In its February 8, 2018 letter, the County Health Department stated that the Board could approve the proposed system with certain conditions because, other than the waivers requested, the design meets the N.J.A.C. 7:9A "Standards for Individual Subsurface Sewage Disposal Systems", specifically N.J.A.C. 7:9A3.3(e)2i and ii, and the proposed system will bring the property into closer conformance with State septic requirements as opposed to the current septic system.

WHEREAS, the application requires approval of the following **waivers** from the Township's Health ordinance provisions (items refer to the County's February 8, 2018 letter):

1. Proposed disposal bed to be located 18ft. from the property line (instead of 20');
2. Proposed pump tank to be located 38 feet and the Hoot tank to be located 44 feet from the drainage inlet (instead of the 100' minimum setback);
3. Proposed pump tank to be located 55 feet and the Hoot tank to be located 58 feet from the existing well on the property (100' minimum setback is required);
4. Allow proposed disposal bed to be 35 feet from the existing water course (ditch) along the side of the property (100' setback is required);
5. Permit disposal bed to be 32 feet from the existing well on the property (100' setback is required), subject to installation of an ultra violet treatment device and water testing as described in letter.
6. Allow size of disposal bed system to be based on the State's permeability criteria of .956 sf/gpd for an advanced treatment unit, as opposed to a minimum of 1.61 sf/gpd.
7. Allow proposed disposal area to be located 66 feet from the existing well on adjacent

Lot 4 (100' setback is required);

8. Proposed disposal bed to be located approximately 40 feet from the existing septic system on adjacent Lot 4 (minimum 50' setback is required);

9. Permit the Hoot tank to be located 76 feet and the pump tank to be located 80+/- feet from the existing well on adjacent Lot 4 (100' minimum setback is required);

10. Allow proposed pump tank to be 61 feet from the existing well on adjacent lot 6 (100 feet minimum is required);

11. Proposed disposal bed to be 87 feet from the existing well on Lot 4 when 100' is required by code.

WHEREAS, in addition to the reasons in support of the waivers outlined in the County's February 8, 2018 letter, the Applicant's Engineer further testified that:

1. The reason for the bulk of the waivers requested is that the property is only .3+/- acres and is bounded on two sides by a creek; therefore it is very difficult to try to meet the various setback requirements. He noted that, although the proposal did not meet the Township's requirements, items #1,3,5,6, 9, and 10 all meet State code requirements. With respect to item #11, it was determined that the disposal bed could meet the State's 50 foot setback requirement which applies when there is at least 50 feet of casing in a well; in this case, there are records demonstrating that the well on the neighboring property has 100 feet of casing. As to items 7 and 8 which involve a well and septic on a neighboring lot, the engineer was unable to find any official records regarding same; the information was based on conversations with the owner; accordingly, waivers were assumed to be necessary.

2. Applicant's engineer testified that with respect to the sizing of the disposal bed and the need to comply with setback requirements, the size of the disposal bed is not as important as with conventional septic systems because in the case of an aerobic treatment system such as this, the majority of the treatment occurs in the Hoot tank, not in the bed.

3. In response to questions by the Board about potential negative impacts on neighboring properties, Applicant's engineer stated that the County has no reports regarding complaints from neighbors in connection with the current seepage pit and that in his opinion; Applicant's proposal will not exacerbate the existing setback situation, but will improve it.

4. The proposed alteration would bring the property closer to conformance with both Municipal and State standards for individual septic systems and that the design was reasonable given the characteristics and size of the property and its environmental conditions.

WHEREAS, the Board makes the following findings:

1) that the waivers are needed due to the size and shape of the Applicant's property

2) the Board agrees with the County's conclusion that with respect to the requested set back waivers, the Application, as proposed, will make the septic more conforming with the Township's Ordinance and State standards and that, with respect to the locations from the wells for which information does exist, sufficient casing is in place to protect their integrity,

3) with respect to the proposed Hoot advanced treatment system, the Board notes that it is recognized as a viable solution and permitted by the State of New Jersey in its Administrative Code; and

4) the Board agrees with the conditions recommended by the County in its approval letter of February 8, 2018

NOW, THEREFORE BE IT RESOLVED by the Alexandria Township Board of Health County of Hunterdon, State of New Jersey, on this 21st day of February 2018 that the proposed septic alteration application for Block 14, Lot 5, 1751 Route 519 in the Township is hereby approved , as follows:

1) The Board approves the use of the Hoot-500G Advanced Treatment unit and disposal bed sizing in connection with the proposed septic system alteration;

2) The requested waivers listed as items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the County Health Department's February 8, 2018 letter are hereby approved, subject to the conditions pertaining to them set forth in the County's letter of the same date, which letter is hereby made a part of this Resolution;

3) The Applicant must comply with all the remaining conditions set forth in the County's February 8, 2018 specifically as follows:

a. compliance with all N.J.Administrative Code 7:9A requirements for an Advanced Treatment Unit, including attainment and provision of: engineer's certification, service provider maintenance contract, recorded copy of deed notice filed in the Hunterdon County Clerk's office stating that the property is served by an Advanced System and the maintenance contract that is required ; NEHA certification for the installer. Applicant shall further supply the Township with a followup letter from the County acknowledging that all conditions have been met.

4) By granting the waivers and approval of the proposed system, Alexandria Township assumes no responsibility with respect to the functioning of the system and shall be held harmless from all liability and any claims made with respect to same. Alexandria further understand that the County also assumes no responsibility for the functioning of the system and also shall be held harmless with respect to the same.

5.) This resolution shall take effect immediately.

COMMENTS FROM THE FLOOR:

None

MOTION TO ADJOURN

Mayor Garay made a motion, seconded by Comm. Kiernan to adjourn.

Roll Call: Aye: Garay, Kiernan, Pfefferle

Nay: None

Abstain: None

Motion Carried

Meeting Adjourned at 7:04 PM.

Michele Bobrowski
Board Secretary